

**Public Hearing Testimony, February 26, 2008**  
**For**  
**Governor's Bill, S.B.#30**  
**"An Act Concerning Consumer Privacy and Identity Theft"**

**Honorable Thomas A. Colapietro, Senate Chair**  
**Honorable Christopher R. Stone, House Chair**  
**Honorable David J. Cappiello, Senate Ranking**  
**Honorable Leonard C. Greene, House Ranking**  
**Honorable Members of the General Law Committee**

**My Position:**

I urge motion to accept and pass this bill based on the recommendations I summarize in my analysis statement of my testimony.

**My Background:**

Retired technologist with years of successful experience specializing in matters related to the convergence of information and technologies in data and communication markets. Also, my testimonies are on record in our People's House advocating for privacy rights, veterans, and government openness over the years.

**My Opening Statement:**

As legislators, your commitment, hard work and desire to help create a better Connecticut are very much appreciated. I pray that our Omnipotent God may bless you with His wisdom during this short legislative session, and I thank God for all our legislators, present and past, including Richard Tulisano – May God bless him and comfort his family and friends.

**My Summary Statement:**

Unquestionably, legislation is required to help eradicate identity theft. Other states have been aggressively establishing laws in a variety of privacy-related areas. Connecticut needs to do the same. This bill requires your undivided attention and prompt action. It's long overdue in Connecticut. It's appropriate and reasonable at the state level. It benefits many and harms none. I don't believe there are any restrictions or conditions that could adversely affect a business. I praise the Office of Policy Management (OPM) for their hard work on the draft. I hope you will consider my suggestion in my analysis statement as far as the bill's reach, and also my recommendation regarding additional provisions; however, I must insist that the additional language I recommend for Sec. 8 (C) be included for me to support any favorable report on this bill from your standing committee. A definition for "consent" in Sec. 8 (C) is very important and must be written in stone.

### **My Analysis Statement:**

#### **Bill's Reach:**

I wish to make clear that the bill's reach, the way it is written, is parochial as far the full spectrum of consumer privacy violations involving the use of personal identifying information (PII) to perpetrate a crime. Because of this, as a privacy right's advocate, I feel that it would be smart if its purpose and language reached further, for example, beyond identity theft. For instance, I addressed a particular consumer privacy violation which is occurring at an alarming rate in a letter provided to the Chairs of the General Law Committee. I wish this letter to be included with my written testimony. It thoroughly summarizes how some online marketing companies are using consumer's PII for the purpose of charging and debiting consumers' bank accounts without the consumers' affirmative consent. Nevertheless, I endorse this bill's understandable purpose to protect consumers from identity theft, and also, the purpose of its restrictions and conditions affecting the operation of sharing and handling information. (Please note that the adverb "personally" and the adjective "identifiable" in "personally identifiable information" (PII) are more commonly used in laws by state and federal governments.)

#### **Recommendation for Additional Language in Sec. 8 (C):**

The restrictions and conditions set up in this bill affecting the operation of sharing and handling of information, specifically, the language in Sec. 8 (C) is open to misunderstanding: "no business entity or nonprofit group may sell or share an individual's personal identifying information... without obtaining the consent of the individual whose information is to be shared." First, I applaud OPM for establishing an "opt-in" requirement in this section for consumers so that companies must obtain consumer's explicit permission before sharing or selling their PII – this is exactly what consumers want to protect their privacy; however, the word "consent", used alone, makes this language weak. Consent must be defined with additional language in this section. What constitutes an individual's consent? There must be a lot of thought given to this question. The best way to define "consent" in this case is a hand-signed agreement, but what about online business transactions? Thousands upon thousands of consumers are being ripped off right now by the bad business behavior of companies taking advantage of this gray area. I believe that the definition should include but not be limited to "hand-signed agreement or an electronic signature, and the electronic signature should be acceptable only on how well the web transaction process established the intent to sign."

#### **Recommendation for Additional Provisions:**

- 1) **"Trafficking" Provision:** This bill should address "trafficking" in identities or identity information. It should provide the number of identities which create a presumption that the person is guilty of "trafficking" and also provide a progressive penalty system for such acts.

2) **Provisions for Various Aggravating Factors:** This will further enhance the identity theft crime.

- a) **Senior Citizens and Veterans:** There should be enhanced penalties if the crime is perpetrated against this group. We need to show compassion for our seniors and the men and women who honorably served their country. Many victims of identity theft are senior citizens, and everyone is aware of the major problems our veterans experience with identity theft.
- b) **Higher Security Level Information:** There should be greater penalties if the crime is committed with higher security level information. The progressive penalty system may be based on the following: Extremely Confidential Information = Information from public records not subject to disclosure under the Freedom of Information Act, example: veteran's DD214 discharge papers; Highly Confidential Information = Transactional information... bank account numbers... etc.; Confidential Information = Non-transactional information such as customer lists.

Sincerely,

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God bless the United States of America and our brave Marines, Soldiers, Sailors and Airmen, and "God save the state of Connecticut."